

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,)
Plaintiff,)
v.) Case No.
UBER TECHNOLOGIES, INC.;) 3:17-cv-00939-WHA
OTTOMOTTO LLC;)
OTTO TRUCKING,)
Defendants.)
-----)

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF EDWARD RUSSO
WEDNESDAY, DECEMBER 20, 2017

REPORTED BY:
PAUL J. FREDERICKSON, CCR, CSR
JOB NO. 2771335

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1 surveillance? Do you know? 08:17:37

2 A. I don't. 08:17:38

3 Q. Did you ever see a report about 08:17:39

4 it? 08:17:40

5 A. I did not. 08:17:41

6 Q. Did you talk to anyone about it? 08:17:41

7 A. Nick Gicinto told me, you know, 08:17:43

8 this was something that had taken place, and 08:17:45

9 I -- I forget the dates, but it would have been 08:17:47

10 in the spring, I guess, of 2016. 08:17:49

11 Q. Okay. 08:17:51

12 And what was the context of him 08:17:53

13 telling you that? Why -- why was he telling 08:17:54

14 you that? 08:17:56

15 A. Just to inform me on some of the 08:17:57

16 stuff that had -- the team had done prior to my 08:17:59

17 arrival. 08:18:02

18 Q. Other than the surveillance of 08:18:09

19 [REDACTED] that happened on two separate occasions 08:18:10

20 -- 08:18:10

21 A. Right. 08:18:13

22 Q. -- and the surveillance of Waymo 08:18:14

23 in Arizona and the surveillance of [REDACTED] that 08:18:16

24 you mentioned, are there any other instances 08:18:19

25 that you're aware of, whether you're personally 08:18:20

1 aware of it or because you heard from someone 08:18:23
2 else, of any surveillance that Uber did of 08:18:25
3 competitors? 08:18:29
4 A. No. 08:18:29
5 Q. You haven't heard anything else; 08:18:30
6 right? 08:18:31
7 A. No. 08:18:31
8 Q. And explain to me the context or 08:18:35
9 the purpose of the due diligence surveillance 08:18:38
10 that was done in connection with [REDACTED]. 08:18:41
11 A. It was my understanding that ATG 08:18:46
12 was [REDACTED] 08:18:48
13 [REDACTED] 08:18:52
14 [REDACTED] 08:18:57
15 ATG's -- Mr. Levandowski, Mr. Ron 08:19:03
16 had asked for certain -- for [REDACTED] to provide 08:19:06
17 certain things so they could assess the 08:19:07
18 technology to determine whether this would be a 08:19:09
19 wise business decision on -- on Uber's part. 08:19:11
20 Apparently [REDACTED] was not 08:19:14
21 forthcoming to their -- to their liking. 08:19:16
22 They -- they felt they were -- they lacked the 08:19:20
23 information they needed. So they asked us if 08:19:23
24 we could videotape one of their cars so they 08:19:25
25 could get a sense of how good the technology 08:19:28

1 Q. Of 2017? 08:33:57

2 A. Yes. 08:33:57

3 Q. The surveillance that happened at 08:34:07

4 Waymo in Arizona, can you tell me how that 08:34:09

5 arose? 08:34:11

6 A. To be perfectly honest, I'm less 08:34:15

7 clear on the genesis of that. After we did the 08:34:17

8 [REDACTED] surveillance and provided the videos, 08:34:20

9 about a week later, if I remember correctly, 08:34:25

10 Mr. Gicinto called me and said that 08:34:29

11 Mr. Levandowski and Mr. Ron would be interested 08:34:31

12 in similar videos of the Waymo cars in Arizona. 08:34:34

13 Q. You said a week after the [REDACTED] 08:34:40

14 surveillance. Were you referring to the 08:34:42

15 March -- 08:34:44

16 A. Yes. 08:34:45

17 Q. -- 2017 surveillance? 08:34:45

18 A. Yeah, the March. Because we -- we 08:34:47

19 did the Waymo videotaping in mid April. 08:34:49

20 Q. What did Mr. Gicinto tell you the 08:34:59

21 purpose of getting videos of the Waymo cars in 08:35:03

22 Arizona was? 08:35:06

23 A. As I recall, it was just that 08:35:08

24 Mr. Levandowski and Mr. Ron were interested in 08:35:11

25 videos of Waymo cars. I -- I was unaware of a 08:35:14

1 bigger purpose behind it. 08:35:17

2 Q. And what did you do in connection 08:35:19

3 with doing that surveillance of Waymo cars in 08:35:21

4 Arizona? 08:35:23

5 A. Same as I just described with 08:35:25

6 [REDACTED]. Jake Nocon, myself went down. One of 08:35:27

7 the [REDACTED] came down or contractors came 08:35:31

8 down, and we videotaped the Waymo cars. 08:35:35

9 Q. How long did that project last? 08:35:51

10 A. Three or four days. 08:35:53

11 Q. Did you get any feedback from 08:35:57

12 Mr. Ron or Mr. Levandowski or Mr. Gicinto or 08:36:02

13 anyone else about the video that you took 08:36:06

14 there? 08:36:07

15 A. As I recall, the -- I mean, they 08:36:11

16 were happy we had the video, but I mean, there 08:36:13

17 was no specific -- specific comments that I 08:36:15

18 remember. 08:36:17

19 Q. Do I understand correctly that 08:36:23

20 from August of 2016 when you were hired at Uber 08:36:24

21 and March of 2017, you're not aware of any 08:36:28

22 surveillance activities that Uber engaged? 08:36:32

23 A. Other than the one I just -- we 08:36:37

24 talked about that took place before my being 08:36:39

25 hired there, right, yeah. I'm -- 08:36:41

1 Q. You're referring to [REDACTED]? 08:36:42
2 A. The [REDACTED], yeah. 08:36:45
3 Q. Other than that, you're not aware 08:36:46
4 of anything? 08:36:47
5 A. I'm not aware of anything. 08:36:48
6 [Discussion off the record.] 08:37:01
7 Q. I should have given you that 08:37:02
8 caveat at the beginning. 08:37:04
9 A. It's okay. 08:37:06
10 Q. In terms of the research that you 08:37:24
11 mentioned of third parties -- third-party 08:37:26
12 competitors -- 08:37:28
13 A. Yes. 08:37:31
14 Q. -- did you or are you aware of 08:37:31
15 anyone else at Uber ever attempting to gather 08:37:34
16 that research by speaking to individuals who 08:37:39
17 were employed at these third parties? 08:37:43
18 A. Say that question again now. 08:37:50
19 Q. Sure. 08:37:51
20 Did you or are you aware of anyone 08:37:56
21 else at Uber ever attempting to gather research 08:37:59
22 about competitors of Uber by speaking to 08:38:04
23 individuals who were employed at those 08:38:08
24 competitors? 08:38:11
25 A. No. 08:38:14

1 Witness my hand this 21st day
2 of December 2017.

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6 PAUL J. FREDERICKSON, CCR, CSR

7 WA CCR 2419 CA CSR 13164

8 Expiration date: March 31, 2018
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